APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,602	10/31/2003	Michael G. Kirkup	555255012616	9861

			EXAMINER
24325	7590	09/15/2005	EWART, JAMES D

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ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-30* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>01-25-2005</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (a) the invention was known or used by others in this country, or
> patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant
> for a patent.

1.   Claims 1,2,4-14,17,19,21-24 and 26-30 are rejected under 35 U.S.C. 102(a) as being

unpatentable by Sygate (Personal Firewall Pro User Guide XP-002248366).

Referring to claim 1, Sygate teaches a method of controlling a connection on a remote

communicating device (Page 14; Supported Internet Connectivity) , the method comprising the

steps of: receiving a connection request from a software application executing on a remote

communicating device (Page 11 and 14); determining if the received connection request satisfies

connection control information associated with the software application (Page 11 and 40); and if

the connection request satisfies connection control information associated with the software

application (Page 11, 20, 38 and 40), authorizing the opening of a communication connection for

use by the software application (Page 11, 20, 38 and 40). For each application, when a

connection request is made, the previous checksum is compared to the current checksum and the

access status is checked to see if the status is allow, ask or block. In the allowed status the

scheduled time to allow a connection is checked against the requested time (Page 38 and 44).

Referring to claim 2, Sygate further teaches wherein the step of authorizing the opening

of the communication connection comprises the step of opening the communication connection

for use by the software application (Page 40-42).

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Referring to claim 4, Sygate further teaches retrieving connection control information associated with the software application (Page 11,20,38 and 40). The previous checksum and the access status are retrieved.

Referring to claim 5, Sygate further teaches comparing one or more control criteria based on the retrieved connection control information with one or more request parameters based upon the received connection request. For each application, when a connection request is made, the previous checksum is compared to the current checksum and the access status is checked to see if the status is allow, ask or block. In the allowed status the scheduled time to allow a connection is checked against the requested time (Page 38 and 44)

Referring to claim 6, Sygate further teaches determining a desired communication connection from the received connection request (Page 14; Network Connection) and, if the retrieved connection control information comprises a record of the desired communication connection as an allowable communication connection (Page 11, 40 and 44), then determining that the received connection request satisfies connection control information associated with the software application (Page 11, 40 and 44). For each application, when the previous checksum equals the current checksum and the access status is allowed and the requested connection time is within the allowable connection times scheduled than the connection request satisfies the connection control information.

Referring to claim 7, Sygate further teaches determining a desired communication connection from the received connection request (Page 14; Network Connection) and, if the retrieved connection control information comprises a record of the desired communication connection as a prohibited communication connection (Page 40; Block), then determining that the received connection request does not satisfy connection control information associated with the software application (Page 40; Block). When a access status for an application is block, then a connection is not permitted. In addition, when the access status is in the allowed state and the requested connection time is not within the scheduled time, then a connection is not permitted.

Referring to claim 8, Sygate further teaches receiving connection control information associated with the software application and storing the received connection control information (Page 11 and 40). The current checksum is stored, the access status is stored and the scheduled time is stored.

Referring to claim 9, Sygate further teaches authenticating the received connection control information (Page 11 and 20-22). A different checksum causes the pop-up message to occur to determine whether the user initiated the connection request and hence validating the new checksum.

Referring to claim 10, Sygate further teaches receiving a connection control information update associated with the software application and updating the stored connection control

information based upon the received connection control information update (Page 43).
Changing the status of an application.

Referring to claim 11, Sygate further teaches determining connection control information associated with the software application based upon the software application at installation on the remote communicating device (Page 44); a type associated with the software application (Page 44; name of application), one or more allowable connection types associated with the software application (Page 42; access status), a source associated therewith or a type associated therewith (Page 44); one or more prohibited connection types associated with the software application (Page 42; Block), a source associated therewith or a type associated therewith (Page 44); configuration information provided at installation (Page 15-18); manual association of connection control information associated with the software application or combinations thereof and storing the determined connection control information (Page 44). A user can determine what the access status will be at installation.

Referring to claim 12, Sygate further teaches providing an interface to a user of the remote communicating device if the connection request does not satisfy connection control information associated with the software application, wherein the provided interface permits the user to indicate authorization for the opening of the communication connection (Page 20-23). A different checksum causes the pop-up message to occur to determine whether the user initiated the connection request and allowing the user to authorize the connection by selecting 'yes".

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Referring to claim 13, Sygate further teaches receiving an indication of approval from the provided interface and authorizing the opening of a communication connection for use by the software application (Page 20-23). A different checksum causes the pop-up message to occur to determine whether the user initiated the connection request and allowing the user to authorize the connection by selecting 'yes".

Referring to claim 14, Sygate further teaches updating connection control information associated with the software application based upon the received indication (Page 23). The access status is assigned Block.

Referring to claim 17, Sygate further teaches one or more computer-readable media storing instructions that upon execution by a computer cause the computer to control a connection on a remote communicating device (Page 11 and 14). Sygate is software that controls the connection of a communication device and wireless devices are included page 14.

Referring to claim 19, Sygate further teaches wherein the communication connection allows access to data from a computer within a secured corporate computer network (Page 8; Any location).

Referring to claim 21, Sygate teaches a system for controlling connections on a remote communicating device (Page 14; Supported Internet Connectivity), the system comprising: a data store capable of storing connection control information associated with one or more software

applications that are capable of execution on the remote communicating device (Page 42; Figure); a connection interface to a communication channel (Page 14; Supported Internet Connectivity); a connection controller (Page 8), wherein the connection controller comprises one or more processing elements (Page 11 and 40), wherein the connection controller is in communication with the data store (Page 42; Figure) and wherein the one or more processing elements are programmed or adapted at least to: receive a connection request from a software application executing on the remote communicating device to request a connection via the communication channel (Page 11 and 40); retrieve connection control information associated with the software application from the data store (Page 11 and 40); determine if the received connection request satisfies the retrieved connection control information (Page 11, 40 and 42); and if the connection request satisfies connection control information associated with the software application (Page 11, 40 and 42), open a communication connection via the connection interface based upon the received request for use by the software application (Page 11, 40 and 42). For each application, when a connection request is made, the connection controller compares the previous checksum with the current checksum and the access status is checked to see if the status is allow, ask or block. In the allowed status the scheduled time to allow a connection is checked against the requested time (Page 38 and 44).

Referring to claim 22, Sygate teaches wherein the connection controller is further in communication with a user interface by which a user can interact with the remote communicating device and wherein the one or more processing elements of the connection controller (Page 11 and 12) are further programmed or adapted at least to cause the user interface

to prompt the user if the connection request does not satisfy the retrieved connection control information (Page 20-24), wherein the prompt permits the user to indicate authorization for the opening of the communication connection (Page 20-24), and to open the communication connection based upon the received request for use by the software application in response to the user indicating authorization (Page 20-24). When the previous application checksum is not equal to the current application checksum a message pops up and ask the user whether to allow the connection or not.

Referring to claim 23, Sygate teaches wherein the connection interface is a wired or wireless network interface, a serial interface, a parallel interface, a universal serial bus interface, a PCMCIA interface, a Bluetooth interface or a PCI bus interface (Page 14; Supported internet connections).

Referring to claim 24, Sygate teaches wherein the system data store comprises RAM, ROM, non-volatile memory, cache memory, register memory, hard disk drive, removable media reader or combinations thereof (Page 14; Minimum system requirements).

Referring to claim 26, Sygate further teaches wherein the one or more processing elements of the connection controller are further programmed or adapted at least to receive connection control information (Page 11,20,38 and 40) and to store received connection control information in the data store (Page 11 and 40). The current checksum and the access status are retrieved and stored.

Referring to claim 27, Sygate further teaches wherein the one or more processing elements of the connection controller are further programmed or adapted at least to authenticate received connection control information (Page 11 and 20-22). A different checksum causes the pop-up message to occur to determine whether the user initiated the connection request and hence validating the new checksum.

Referring to claim 28, Sygate further teaches wherein the remote communicating device is a PDA, a mobile phone, a notebook computer, a desktop computer, a hand-held computer, a mobile e-mail device or a pager (Page 8; Bi-Directional Defense; any PC).

Referring to claim 29, Sygate teaches a system for controlling connections on a remote communicating device (Page 14; Supported Internet Connections), the system comprising: storing means for storing connection control information associated with one or more software applications that are capable of execution on the remote communicating device (Page 14; Supported Internet Connections and 42; Figure); communication means for allowing a software application to communicate via a communication channel (Page 40; Allow); connection controller means for: receiving a connection request from a software application executing on the remote communicating device (Page 11); retrieving connection control information associated with the software application from the storing means (Page 42); determining if the received connection request satisfies the retrieved connection control information (Page 42); if the connection request satisfies connection control information associated with the software application (Page 42), opening a communication connection via the communication means based

upon the received request for use by the software application (Page 42); receiving connection

control information (Page 11); authenticating received connection control information (Page

11); and storing received connection control information in the storing means (Page 11). For

each application, when a connection request is made, the connection controller compares the

previous checksum with the current checksum and the access status is checked to see if the status

is allow, ask or block. In the allowed status the scheduled time to allow a connection is checked

against the requested time (Page 38 and 44). A different checksum causes the pop-up message to

occur to determine whether the user initiated the connection request and hence validating the

new checksum.

Referring to claim 30, Sygate teaches wherein the connection controller means comprises

prompting means for causing an interface to be made available to a user of the remote

communicating device if the connection request does not satisfy the retrieved connection control

information (Page 11 and 20-24), wherein the interface permits the user to indicate authorization

for the opening of the communication connection (Page 20-24), and for causing the connection

controller means to open a communication connection via the communication means based upon

the received request for use by the software application (Page 20-24). When the previous

application checksum is not equal to the current application checksum a message pops up and

ask the user whether to allow the connection or not.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sygate and further

in view of Vilhuber (U.S. Patent No. 6,748,543).

Referring to claim 3, Sygate teaches the limitations of claim 3, but does not teach

providing authorization information for opening the communication connection. Vilhuber

teaches providing authorization information for opening the communication connection (Column

4, Lines 47-54). Therefore at the time the invention was made, it would have been obvious to a

person of ordinary skill in the art to combine the art of Sygate with the teaching of Vilhuber

teaches providing authorization information for opening the communication connection to

validate access to a network (Column 4, Lines 10-11). Examiner takes official notice of

automating a manual process, such as providing login and password information, is routine skill

in the art. Therefore at the time the invention was made, it would have been obvious to include

the automation of providing login and password information with the teaching of Sygate and

Vilhuber to relieve the user of entering data.

2144.04 [R-1]   Legal Precedent as Source of Supporting Rationale. III. AUTOMATING A

MANUAL ACTIVITY. In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)

(Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

3.   Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sygate.

Referring to claim 16, Sygate further teaches updating the connection control information but does not teach if the received connection request is the first connection request received from the software application (Page 41). Removing the application from the applications list is similar to the new installation, which has not yet requested a connection in that both are not in the applications list. When an application that is not in the list attempts to connect to the network a status is assigned thus updating the connection control information from an application, which is not on the application list to one that is on the list. Since Sygate teaches updating the connection control information from an application that is not in the application list, it would be obvious to apply the updating of connection control information to a first connection request received from the software application. Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Sygate with updating the connection control information for the first connection request received from the software application to include the application in the application list that includes those applications which have requested a connection.

Referring to claim 18, Sygate further teaches wherein the received connection request satisfies connection control information (Pages 20 and 40) but does not teach receiving data via the communication connection for use by the software application. Sygate does teach using the application program Internet Explore that receives data through a connection. Since Sygate teaches using Internet Explorer, it would be obvious to receive data via the communication connection for use by the software application (Page 44). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Sygate with receiving data via the communication connection for use by the software application so that Internet Explorer can operate.

4.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sygate and further in view of Zhang et al. (U.S. Patent No. 6,490,289).

Referring to claim 20, Sygate teaches wherein the software application connection request does not satisfy connection control information, and denying authorization for opening a communication connection in response to the received connection request, but does not teach a second connection request. Zhang et al. teaches a second connection request (Column 4, Lines 62-65). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Sygate with the teaching of Zhang et al. of a second connection request to provide multiple simultaneous network connections (Column 2, Line 63).

5.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sygate and

further in view of Chen (U.S. Patent Publication No. 2003/0054860).

Referring to claim 25, Sygate teaches the limitations of claim 25 but does not teach using

a SIM card reader. Chen teaches using a SIM card (0007). Therefore at the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to combine the

teaching of Sygate with the teaching of Chen of using a SIM card to read data stored in a mobile

phone SIM card (0013).

Allowable Subject Matter

6.   Claim15 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Referring to claim 15, the references sited do not teach wherein the updating step only

occurs if the received indication indicates authorization for both current and future opening of

the communication connection.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Cunetto et al. U.S. Patent Publication No. 2003/0031184 discloses authentication for use of high speed network resources.

Dowling U.S. Patent No. 6,901,429 discloses negotiated wireless peripheral security systems.

Elson et al. U.S. Patent Publication No. 2003/0014521 discloses open platform architecture for shared resource access management.

Fraser U.S. Patent No. 6,895,502 discloses method and system for securely displaying and confirming request to perform operations on host computer.

Freund et al. U.S. Patent Publication No. 2003/0167405 discloses system methodology for automatic local network discovery and firewall reconfiguration for mobile computing devices.

Juitt et al. U.S. Patent Publication No. 2003/0087629 discloses method and system for managing data traffic in wireless networks.

Loveland U.S. Patent Publication No. 2003/0070091 discloses granular authorization for network user selections.

McClain U.S. Patent Publication No. 2004/0097217 discloses system and method for providing authentication and authorization utilizing a personal wireless communication device.

Oreshteyn U.S. Patent Publication No. 2002/0184398 discloses secured system for accessing application services from a remote station.
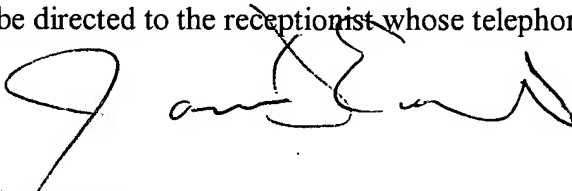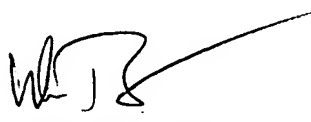
Application/Control Number: 10/698,602
Art Unit: 2683

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The
examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the
organization where this application or proceeding is assigned are (703) 872-9306 for regular
communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (571)272-2600.

Ewart
September 6, 2005

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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